UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,748	04/20/2006	Matthias Gygi	1322.1121101	5925
	7590 03/18/201 SEAGER & TUFTE, L	EXAMINER		
1221 NICOLLE SUITE 800		YAN, REN LUO		
	S, MN 55403-2420	ART UNIT	PAPER NUMBER	
			2854	
			MAIL DATE	DELIVERY MODE
			03/18/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/561,748	GYGI, MATTHIAS		
Examiner	Art Unit		
Ren L. Yan	2854		

under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for feeply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).    The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☐ Applicant's reply has overcome the following rejection(s): (See 37 CFR 1.166).    Note: (See 37 CFR 1.166) (See 37 CFR 1.166)		Neil L. Tall	2034					
1. ☑ The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidiarly, or other evidence, which paloes the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 GFR 1.114. The reply must be filed within one of the following time periods:  all the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the studior period for reply expires on: (1) the mailing date of the final rejection.  Examiner Note: If this X is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS Of THE FIRMA REJECTION. See MPEP 708.07(f).  Extensions of time may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee bander 37 CFR 1.17(e) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as many reduce any exame patient term adjustment. See 37 CFR 1.77(b).  NOTICE OF APPEAL.  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was been filed, any reply must be filed within the time period soft end, in 37 CFR 41.37(a).  AMEDIAMENTS  1. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) [1] They raise the issue of new matter (see NOTE below);  (b) [1] They raise here issues that would require further consideration and/of search (see NOTE below);  (c) [1] They are not deemed to place the application in better form for appeal by materially reducing	The MAILING DATE of this communication appe	ars on the cover sheet with the o	correspondence add	ress				
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods:  a) The period for reply expires	THE REPLY FILED 11 March 2010 FAILS TO PLACE THIS AP	PLICATION IN CONDITION FOR	ALLOWANCE.					
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SM MONTHS from the mailing date of the negation.  Examiner Note: If box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See WFEP 706 607(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked, Any reply received by the Office later than three months after the malling date of the final rejection, even if timely filled, may reduce any semed patent term adjustment. See 37 CFR 1.704(b).  MOTICE OF APPEAL.  Call The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filled within two months of the date of filing the Notice of Appeal has been filled, any reply must be filled within the time period set forth in 37 CFR 41.37(a).  AMENOMENTS  AMENOMENTS  The proposed amendment(s) filled after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for application in the proposed or amended claims without cancelling a corresponding number of finally	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Apper for Continued Examination (RCE) in compliance with 37 Comperiods:	replies: (1) an amendment, affidavieal (with appeal fee) in compliance FR 1.114. The reply must be filed	t, or other evidence, wwith 37 CFR 41.31; or	hich places the (3) a Request				
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1. is checked, check cither box (a) or ft). ONLY CHECK BOX (b) WHEN THE FIRST RELY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706 07(f).  Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee was feet to an extension of the feet of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3 The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They raise not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal, and/or  Notice (See 37 CFR 1.116 and 41.33(a)).  A			ta de e <b>c</b> arel arte e com e det	alaa aa ta tataa da				
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension for planed ?3 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if smely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 (minute), the value of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s): (a) will be entered and an explanation of how the new or amended claims (s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  Claim(s) applicant's reply has overcome the following rejection(s): (a) will be entered and an explanation of how the new or amended claims (s) under the proposed of appeal, the propos	no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or ( MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f	ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE ).	g date of the final rejection FIRST REPLY WAS FI	on. LED WITHIN TWO				
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3.	have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
(a)	filing the Notice of Appeal (37 CFR 41.37(a)), or any exter	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the					
(c)	(a) ☐ They raise new issues that would require further cor	nsideration and/or search (see NO		cause				
NOTE: (See 37 CFR 1.116 and 41.33(a)). 4.	(c) They are not deemed to place the application in better appeal; and/or	er form for appeal by materially red		ne issues for				
<ul> <li>4.  ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5.  ☐ Applicant's reply has overcome the following rejection(s):</li> <li>6.  ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>7.  ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE</li> <li>8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER</li> <li>11. ☑ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.</li> <li>12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)</li></ul>	· · · · · · · · · · · · · · · · · · ·	orresponding number of finding reju	oted daims.					
non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a)   will not be entered, or b)   will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  //Ren L Yan/	4. The amendments are not in compliance with 37 CFR 1.12		mpliant Amendment (	PTOL-324).				
how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  1. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  //Ren L Yan/	6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).							
Claim(s) rejected: Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)  13. ☐ Other:	how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows: Claim(s) allowed:		l be entered and an e	xplanation of				
<ul> <li>8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</li> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.</li> <li>12.  Note the attached Information <i>Disclosure Statement</i>(s). (PTO/SB/08) Paper No(s)</li></ul>	Claim(s) rejected: Claim(s) withdrawn from consideration:							
entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  13. Other:	8. The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and							
REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  13. Other:  /Ren L Yan/	entered because the affidavit or other evidence failed to o	vercome <u>all</u> rejections under appea	al and/or appellant fail	s to provide a				
See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)  13. Other:  /Ren L Yan/	10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	ntry is below or attach	ed.				
13.		does NOT place the application ir	condition for allowan	ce because:				
	<ul><li>12. ☐ Note the attached Information <i>Disclosure Statement</i>(s). (</li><li>13. ☐ Other:</li></ul>	PTO/SB/08) Paper No(s)						
		/Ren L Yan/						
			Init 2854					

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been considered but are not persuasive of any errors in the Final rejection.